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BY THE HOUSE OF DELEGATES, JANUARY 11, 1856.

Read and ordered to be printed.

By order,

THOMAS H. KENT OF JOS., Chief Clerk.

MEMORIAL

OF

CHARLES W. WEBSTER,

TO THE

LEGISLATURE OF MARYLAND.

Praying Compensation for his Codification of the Laws of the State of Maryland.

MEMORIAL.

To the Honorable the General Assembly of Maryland:

THE petition of the undersigned respectfully represents to your honorable body, that previous to the adoption of the New Constitution, viz., in the year 1846, he applied to the Legislature of Maryland, in relation to a compilation and codification of the laws of the State, and procured from the Legislature at that time certain books, and, also, a promise from the State to pay your petitioner for his work, when completed, on certain conditions specified in resolution No. 45, of December session of 1846.

Your petitionur further represents, that on the sixteenth day of January, in the year eighteen hundred and fifty-two, your petitioner having completed his work, presented it to the Legislature then in session, that his work was referred by said Legislature to the Committee on the Judiciary, which committee, after examining said work, reported thereon to the House on the tenth day of May, in the year 1852, approving said work and recommending the purchase thereof by the State.

Your petitioner, also, further represents that his work was placed in the State Library for general inspection and examination and was used by the members of the Legislature, and by the chairmen of the different committees, as a correct work of reference, and a guide in compiling the several acts passed for carrying out the provisions of the New Constitution, not only during the session of 1852, but also at the sessions of 1853 and 1854, and your petitioner further represents that during the time his work was thus in the hands of the Legislature, and used by the members thereof, a portion of said work containing several important titlings was lost, which loss is to your petitioner irre-

parable and renders his work far less valuable and useful to himself than it would otherwise have been.

For proof of the truth of the aforegoing statement, your petitioner begs leave to refer your honorable body to the resolution No. 45, of 1846, to the report of the Committee on the Judiciary on his work, 10th May, 1852, to the testimony of Messrs. Crout and Longwell, and the index and specimen titlings of his work, all of which accompany this petition, and also to the votes and proceedings of the House of Delegates at the January session, 1852.

From the above facts and proofs, your petitioner claims that he is entitled to compensation for his work. Upon that work your petitioner spent the labor of upwards of six years, performed his work in good faith, relying on the promise of the State to examine the work and compensate him for his labor. The work was examined and approved by the committee appointed by the Legislature, it was used by the different committees, and many of the members during the sessions of 1852, 1853, and 1854. part of the work, while thus in the hands of the Legislature, has been lost, and yet your petitioner has received no compensation whatever for his labor, *because* the New Constitution has rendered the work useless by making a provision for a complete codification of the laws.

Your petitioner, therefore, prays you honorable body to review his case, and to render him that compensation for his labor, and for the loss of part of his work, and for the use thereof by the Legislature, which the circumstances of his case, and equity and justice may require, and your petitinner will ever pray, &c.

CHAS. W. WEBSTER.

No. 45.

Preamble and Resolution authorising the Librarian to furnish Charles W. Webster with certain Books herein named.

WHEREAS, a compiled digested index of the Laws of Maryland, on the plan of a work published in the year seventeen hundred and ninety-nine, by Thomas Herty, would be of great advantage, usefulness and convenience to the citizens of the State at large; *and whereas*, Charles W. Webster, Esquire, of Carroll county, offers to compile a book of that character, embracing all the laws of the State, from the commencement of this government to the present time; *and whereas*, the said Webster does not ask or demand any remuneration for his labors in the performance of said duties, other than what the Legislature may hereafter allow him, after the full examination and expression of the satisfaction of the Legislature with the work, hereafter to be presented; *and whereas*; he only asks at this time one copy of Herty's Digest; two full copies of Dorsey's Laws; two full copies of the Laws of Maryland; and the laws as they are published from year to year, for the purpose of enabling him efficiently to execute the work aforesaid—Therefore,

Resolved, That the State Librarian cause one copy of Herty's Digest; two full copies of Dorsey's Laws, and the laws as published from year to year, to be delivered to Charles W. Webster, of Carroll county, or to his order; *provided*, the said Charles W. Webster shall give to the Librarian, in the name of the State, a receipt for the return of the books aforesaid; *provided further*, that in the opinion of the Librarian, the said books can be conveniently spared from the Library.

The Committee on the Judiciary, to whom was referred the duty of examining and considering "a compilation of the Laws of the State, made by Charles W. Webster, Esq., in accordance with resolution No. 45," of 1846, beg leave respectfully to report:

That, upon such examination of the work of Mr. Webster, as time and opportunity allowed them to give, they find that the laws of the State are systematically arranged under their appropriate alphabetical titles.

And were it not contemplated to codify at will, the Laws of the State, your Committee are of opinion that, upon a further examination, and maturer consideration of the work, they should unhesitatingly have recommended the purchase of this compilation by the Legislature. The code, however, will render any compilation that might be made, almost useless.

Under the resolution above referred to, it would, nevertheless, seem that, notwithstanding the work might now be useless to the State; yet, we are in some degree pledged to remunerate Mr. Webster for his labors, provided the work has been satisfactorily performed.

The resolution referred to, contains the following language:

"Whereas the said Webster does not ask or demand any remuneration for his labors in the performance of said duties, *other than what the Legislature may hereafter allow him*, after the FULL examination and expression of the satisfaction of the Legislature with the work hereafter to be presented."

By this it would seem, that an implied promise of remuneration is held out on the condition that the work should meet with the approbation of the Legislature, &c., and with a view to this thorough examination, advise that it be submitted to the examination of the codifiers hereafter to be appointed.

Your Committee make this recommendation with the belief that should the said codifiers make this examination, they will discover that what would be otherwise a necessary and tedious preliminary labor to the duty of codification, is already performed by this work.

They also recommend that the said codifiers be authorized and empowered to purchase said work for the State, (provided it be well and faithfully performed) to be used by them in their labors.

C. D. BARNITZ.

WESTMINSTER, CARROLL COUNTY, MD.
December 28th, 1855.

AT the request of C. W. Webster, it is my pleasure to make the following statement in regard to the compilation of the laws of Maryland prepared by him.

During the sessions of the Legislature of the years 1852 and 1853 the work of Mr. Webster was in the State Library, and

was used by members of the House of Delegates in preference to any other work in the Library, as a reference book to the acts of Assembly. The work was spoken of by all who examined it, (and it was used more or less by all the departments of State) as the best compilation of the laws of Maryland ever offered to the public.

The sentiment in the House of Delegates was very general that but for the adoption of the New Constitution, by which a codification of the laws was provided for, the State should take such an interes in the work as w uld pay Mr. Webster handsomely tor his labor. I may add, that through no fault of Mr. Webster, several important portions of the work were lost during their use by the Legislature.

E. F. CROUT.

THE compilation of the laws of Maryland, by C. W. Webster, Esq., was examined by many members of the Legislature, during the sessions of 1852, '53 and '54, and was so highly approved of by them, that the general impression appeared to be, that if the New Constitution had not provided for the appointment of commissioners to prepare a code, the State ought to aid in the publication of the work.

JOHN K. LONGWELL.

WESTMINSTER, Dec. 28th, 1855.